

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

MAR 13 2007

Case No. 5592  
Date Filed 3/8/07  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$400.00

Shaded Areas for Office Use Only

**Type of Application**

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☐ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction

**Nature of Request and Section(s) of Code** \_\_\_\_\_

CASE 5592 MAP 61 TYPE Special Exception  
ELECTION DISTRICT 01 LOCATION 3200 Winters Run Road, Joppa 21085  
BY Andrea Birkholz  
Appealed because a special exception pursuant to Section 267-53H(3) of the Harford  
County Code to allow a kennel in an Agricultural District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

**Owner (please print or type)**

Name ANDREA M. BIRKHOIZ Phone Number 410-679-7700  
Address 3200 WINTERS RUN RD JOPPA MD 21085  
Street Number Street City State Zip Code

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 3200 WINTERS RUN ROAD-JOPPA

Subdivision \_\_\_\_\_

Lot Number A-01-014447

Acreage/Lot Size 15.97 Election District 01007

Zoning AG

Tax Map No. 61 Grid No. 40 Parcel 146 Water/Sewer: Private SEWER Public WATER

List ALL structures on property and current use: \_\_\_\_\_

Estimated time required to present case: 15 MINUTES

If this Appeal is in reference to a Building Permit, state number \_\_\_\_\_

Would approval of this petition violate the covenants and restrictions for your property? \_\_\_\_\_

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes X No \_\_\_\_\_

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No X

**Request**

MY REQUEST IS TO BE PRESENTED A SPECIAL  
EXEMPTION KENNEL LICENSE- TO KEEP MY DOGS.

**Justification**

I WANT TO COMPLY WITH HARFORD COUNTIES  
LAWS.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

ATTN. TOMMIE M. HOUCK

MY NAME IS ANDREA BIRKHÖZ.  
I LIVE AT 3200 WINTERSKUN ROAD.  
MY GRANDFATHER BOUGHT THE  
FARM IN 1942. THERE HAVE  
ALWAYS BEEN NUMEROUS DOGS  
HERE. WE HAVE NEVER HAD  
ANY PROBLEMS. — MY DAD WAS  
IN A TERRIBLE CAR ACCIDENT  
NOV 6, 2000. I TOOK CARE OF  
HIM UNTIL HE PASSED ON  
MAY 18, 2006. WHEN THE  
AMBULANCE CAME, THE POLICE  
ALSO CAME — THEY REPORTED  
ME TO ANIMAL CONTROL.  
ANIMAL CONTROL CONTACTED  
PLANNING AND ZONING. NOW  
I AM APPLYING FOR SPECIAL  
EXEMPTION KENNEL LICENSE.  
PLEASE LET ME KEEP MY  
DOGS.

Andrea M. Birkhög  
3.08.2007

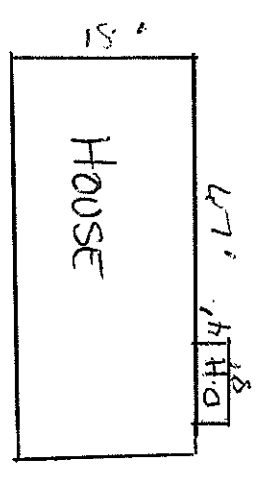
TREE LINE

← 687' →

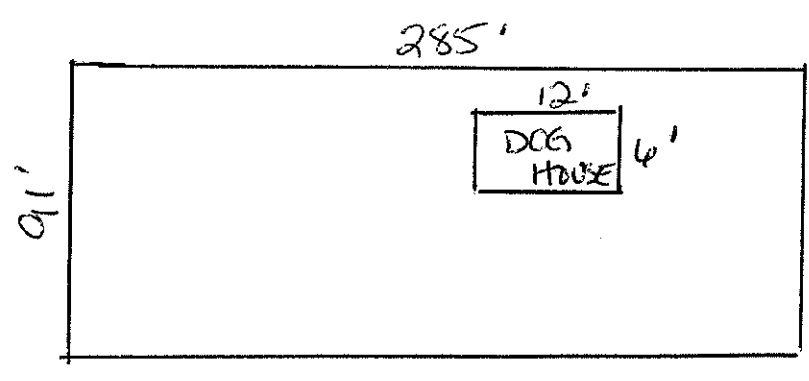
← 671' →

← 547' →

TREE LINE



DRIVEWAY  
150'

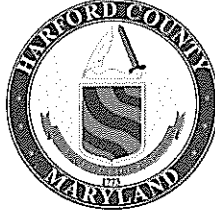


WINTERS RUN ROAD

95

**DAVID R. CRAIG**  
HARFORD COUNTY EXECUTIVE

**LORRAINE COSTELLO**  
DIRECTOR OF ADMINISTRATION



**C. PETE GUTWALD**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

April 27, 2007

### STAFF REPORT

### **BOARD OF APPEALS CASE NO. 5592**

APPLICANT/OWNER: Andrea M. Birkholz  
3200 Winters Run Road, Joppa, Maryland 21085

REPRESENTATIVE: Applicant

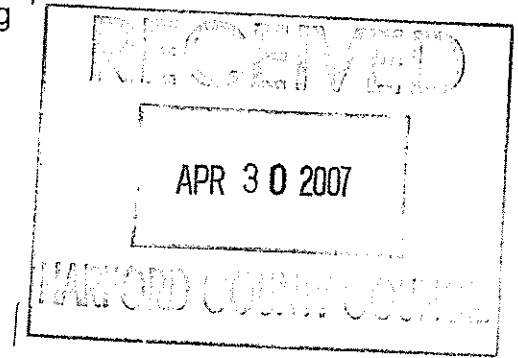
LOCATION: 3200 Winters Run Road - Joppa  
Tax Map: 61 / Grid: 4D / Parcel: 146  
Election District: One (1)

ACREAGE: 65.97 acres

ZONING: AG/Agricultural

DATE FILED: March 8, 2007

HEARING DATE: May 9, 2007



### APPLICANT'S REQUEST and JUSTIFICATION:

#### Request:

"My request is to be presented a special exemption kennel license to keep my dogs."

#### Justification:

"I want to comply with Harford County laws." (Also see Attachment 1).

### CODE REQUIREMENTS:

*Preserving Harford's past; promoting Harford's future*

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Board of Appeals Case Number 5592

Andrea Birkholz

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The Applicant is requesting a Special Exception pursuant to Section 267-53H(3) of the Harford County Code to allow a kennel in an Agricultural District.

Section 267-53H(3) of the Harford County Code reads:

- (3) *Kennels. These uses may be granted in the AG, VB, B1 and B2 Districts, provided that all buildings for the shelter of animals and all runways shall be located at least two hundred feet from any lot line.*

Enclosed with the report are the requirements pursuant to Sections 267-51 and 267-52 as they pertain to Special Exceptions request (Attachment 2).

Section 267-9I of the Harford County Code entitled Limitations, Guides and Standards will be discussed in detail later in the report.

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant's property is located on the west side of Winters Run Road and borders the north and south sides of Interstate I-95. The area on the north side of I-95 is the subject of this request. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 3 and 4).

The area on the north side of I-95 is located outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features Map reflects Parks and Stream Systems. The area of the property subject to the request is designated as Agricultural.

*Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

#### **Land Use – Existing:**

The existing land uses in this area of the County conform to the overall intent of the Master Plan. North of I-95 the predominant land use is Agricultural which includes cropland, pastureland and large areas of dense woodland. The topography of the area ranges from rolling to steep especially near the stream valleys. The overall parcel is located both inside and outside of the Development Envelope. The largest portion of the property which is approximately 54 acres is

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located on the north side of Interstate I-95. Approximately 12 acres is located to the south side of Interstate I-95. All of the improvements are located on the portion on the north side of I-95. Enclosed with the report is a copy of the aerial photograph and the topography map (Attachments 7 and 8).

The subject property is unusually shaped with frontage on the west side of Winters Run Road. The property contains active farmland and is dense wooded areas. The improvements consist of an older farm house, out buildings, 2 large dog houses, a fenced area for the dogs and fenced farm fields. The Applicant has almost completed fencing an area in front of the house to keep the dogs. She has also completed building a large structure to house the animals as reflected by the aerial photographs. The topography of the site is typical for the area ranging from rolling to steep. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Outside of the Development Envelope the predominant zoning classification is AG/Agricultural. The subject property is split zoned AG/Agricultural zoning on the north side of I-95 and GI/General Industrial District on the south side of I-95 as shown on the enclosed copy of the Zoning Map (Attachment 11).

### Zoning Enforcement:

The subject case is the result of a Zoning Enforcement Investigation. The Department received a complaint on July 11, 2006 that there were 20 plus dogs on the property. The Department conducted a site inspection on July 17, 2006. The Zoning Inspector interviewed Ms. Andrea Birkholz. She informed the inspector that her father Andrew Birkholz recently passed away and she owned 13 dogs at this location. The inspector observed nine adult dogs while he was at this location and advised her that approval as a kennel is required because of the number of dogs. It did not appear that she was operating a commercial kennel.

The Department sent Ms. Andrea Birkholz a letter dated August 1, 2006, discussing the nature of the complaint and remedies to correct. A second letter was sent on August 18, 2006. On September 13, 2006 a pre-application meeting was held to discuss the criteria for a Special Exception and time was given for her to decide whether or not to file a BOA case. A Board of Appeals application was filed on March 8, 2007. Enclosed with the report are copies from the Enforcement file for informational purposes only (Attachment 12).

### SUMMARY:

The Applicant is requesting a Special Exception pursuant to Section 267-53H(3) of the Harford County Code to allow a kennel in an Agricultural District.

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### Section 267-53H(3):

- (3) *Kennels. These uses may be granted in the AG, VB, B1 and B2 Districts, provided that all buildings for the shelter of animals and all runways shall be located at least two hundred feet from any lot line.*

The portion of the property where the dogs are kept is located to the north of I-95 and is zoned AG/Agricultural. The applicant's site plan shows the dwelling approximately 1500 feet back from Winters Run Road. The dogs are to be in a 91 by 285 foot fenced area to the front of the house which is in an open field. This would locate the area for the dogs approximately 1300 to 1400 feet back from the road and more than 200 feet from any adjacent property line.

### Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

The subject property is located in a rural area of the County outside of the Development Envelope. The primary land use in the area is Agricultural with large active farms and large areas of dense woodland. There are no major residential subdivisions in the area. The properties immediately surrounding the subject property are larger parcels. The Applicant is not requesting approval of a commercial kennel but merely approval to keep her current dogs. The Department would recommend that the number of dogs be limited to the 13 dogs the Applicant presently owns. The Applicant should eventually reduce the number of dogs to 5.

- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

The Applicant's property fronts on Winters Run Road which is a County owned and maintained road. Since the proposal is for the Applicant's personal dogs and not for a commercial kennel, traffic to and from the property should not be increased.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the county.*

The use is permitted in the Agricultural District as a Special Exception with Board of Appeals approval. The request meets the standards established by the code.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*



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The request is to allow the Applicant to have more than 5 dogs on the subject property (13 dogs requested). Grooming onsite is limited to the Applicant's personal dogs. The Applicant must ensure that the barking of the dogs does not adversely impact the surrounding community.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Joppa/Magnolia Volunteer Fire Departments will provide fire protection and emergency service. The property is served by private well and septic systems. A company of the Applicant's choice will handle trash collection.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

With appropriate conditions the proposed use can be consistent with generally accepted planning principles.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

There should be no impact on any uses listed in this section.

- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal can be consistent with the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

There should be no impacts on any environmental features.

- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the subject request.

The Applicant has provided 5 signed letters from neighbors (Attachment 13).

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

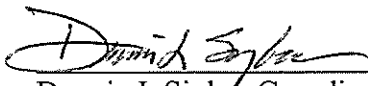
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1. The number of adult dogs shall be limited to the 13 dogs now on the property. No additional dogs shall be brought onto the site.
2. There shall be no boarding or grooming of dogs on site, other than those owned by the Applicant.
3. This approval is for the Applicant's use only and shall terminate upon the sale of the property or at such time as the number of dogs on the property is decreased to five or fewer.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf